

SECTION 6. RECRUITMENT AND APPLICATION RATING PROCEDURES

6-1. Recruitment and application rating. The CAO must administer a recruitment and application rating process for all merit system positions.

6-2. Announcement of open jobs.

- (a) The OHR Director:
 - (1) must announce and distribute notice of vacant positions that are open for competition among qualified candidates;
 - (2) must include in a vacancy announcement information about job duties, minimum qualifications, any multilingual requirements, the rating process including the rating criteria, and other requirements for the position;
 - (3) may announce a vacancy to the general public or may restrict the vacancy to some or all County employees; and
 - (4) must allow a Fire and Rescue Services merit system employee of a local fire and rescue department to apply for vacancy announcements that are limited to County employees only.
- (b) A department director may determine if and when a vacant position will be announced.

6-3. Employment application deadline.

- (a) The OHR Director may establish a reasonable deadline of not less than two weeks for receipt of applications for announced vacancies. In unusual circumstances, the OHR Director may shorten the two-week announcement period.
- (b) The OHR Director may designate certain positions for open continuous or open until filled recruitment.
- (c) The OHR Director must not accept an application submitted after an announced application deadline.

6-4. Review of applications. The OHR Director must review and evaluate an application submitted to determine if the applicant is eligible for the announced vacancy. The OHR Director may disqualify an applicant if:

- (a) the applicant lacks required minimum qualifications such as education, experience, a license, or a certification;
- (b) the applicant submits inaccurate or false information in the application or associated forms;
- (c) the applicant was separated from prior County service for cause or is not eligible for re-hire;
- (d) the applicant has prior unsatisfactory work performance relevant to the position applied for;
- (e) there is evidence of a job-related factor that would hinder or prohibit the applicant's satisfactory performance of the duties and responsibilities of the position; or
- (f) the applicant fails to comply with established procedures or reference and investigatory requirements.

6-5. Competitive rating process.

- (a) The OHR Director must establish a competitive rating process to create an eligible list for employment or promotion, unless the OHR Director determines that a non-competitive process is appropriate under Section 6-6 or 27-3(b) of these Regulations.
- (b) The OHR Director must include in the vacancy announcement in the jobs bulletin on the County Website or in the printed Montgomery County jobs bulletin a description of the competitive rating process and rating criteria that will be used to create the eligible list.
 - (1) The competitive rating process may include:
 - (A) a written or oral examination;
 - (B) a demonstration of a job-related physical ability or skill;
 - (C) an evaluation of an applicant's training, experience, and education; or
 - (D) another professionally acceptable assessment technique that fairly evaluates an applicant's qualifications, fitness, and ability.

- (2) The competitive rating process must:
 - (A) result from a job analysis that documents the knowledges, skills, and abilities required to perform essential functions of the job;
 - (B) assess the employee's ability to perform important aspects of the job;
 - (C) be administered in good faith and without discrimination; and
 - (D) be properly and accurately conducted.

6-6. Noncompetitive rating process. The OHR Director may establish an eligible list for employment or promotion on a noncompetitive basis for positions involving unskilled manual labor and for other classes of work if a competitive process is impractical.

6-7. Invalidation of rating process. The CAO must invalidate a rating process in whole or in part if an improper act occurred or if the rating process was not job-related or was discriminatory.

6-8. Eligible list. After the rating process is complete, OHR must establish an eligible list with the names of all qualified individuals grouped in appropriate rating categories. The OHR Director must determine the length of time that an eligible list will be in effect and may extend or abolish an eligible list for good cause. If an eligible list is abolished before the expiration date on the eligible list, OHR must notify in writing all individuals whose names appear on the list.

6-9. Priority eligible list. The OHR Director may establish a priority eligible list to provide priority consideration in the following order to an employee who:

- (a) is unable to perform the employee's job because of a disability or injury under the ADA;
- (b) is subject to reduction-in-force; or
- (c) has veteran's credit.

6-10. Veteran's credit. The OHR Director must give priority consideration to an eligible veteran who applies for initial appointment to a County merit system position and who is rated and placed in the highest rating category on the eligible list. An eligible veteran is an applicant who is a Maryland resident and who:

- (a) was a Maryland resident for at least 5 consecutive years immediately before submitting the employment application;

- (b) was honorably discharged from a branch of the United States armed services after at least 180 days of active military duty that ended within 5 years of the date of application;
- (c) was not granted a normal retirement from the United States armed services;
- (d) has not already used veteran's credit to receive priority consideration for appointment to a Montgomery County position; and
- (e) applied for veteran's credit by completing the required form and ensuring that it was received in OHR by the closing date of the announced vacancy.

6-11. Appeals by applicants. Under Section 33-9 of the County Code, a non-employee or employee applicant for a merit system position may file an appeal directly with the MSPB alleging that the decision of the CAO on the individual's application was arbitrary and capricious, illegal, based on political affiliation or other non-merit factors, or that the announced examination and scoring procedures were not followed.

Editor's note – The subjects covered in this section of the Personnel Regulations are addressed for bargaining unit employees in the current collective bargaining agreements as indicated below:

Bargaining unit	Articles of current agreements with references to recruitment or application rating procedures
Firefighter/Rescuer	12, Leave Without Pay 28, Transfers 29, Promotions 48, Job Sharing Program
OPT/SLT	8, Seniority 9, Working Conditions 22, Transfer 23, Promotion Appendix VIII, Reasonable Accommodation
Police	15, Hours and Working Conditions 25, Transfers 44, Promotions 55, Job Sharing